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DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised of the following:

The New York City Civilian Complaint Review Board (the CCRB) has deemed substantiated against Nairobi Grayson three allegations of abuse of authority (for a retaliatory summons, a threat of arrest, and a refusal to provide name/shield number) and an allegation of discourtesy-word: On May 10, 2018, the complainant was driving his car on 7th Avenue in Manhattan. At the intersection of 7th Avenue and West 145th Street, the complainant noticed an unmarked police car. The complainant continued driving until Police Officer Grayson and other officers pulled him over at 7th Avenue and West 148th Street. (The officers mistakenly believed that the temporary New Hampshire plates on the car had expired, when in fact they had not.) After the complainant exited his car, PO Grayson refused to provide his information to the complainant. PO Grayson told the complainant, "I'm not giving you shit" and "I'm not giving you a g--damn thing," and asked the complainant, "Why the fuck are you yelling at me?" PO Grayson then threatened to arrest the complainant. PO Grayson put the complainant in handcuffs and then frisked and searched him. PO Grayson searched the complainant's pocket and removed his wallet to write the complainant a summons. PO Grayson wrote the complainant a summons for disorderly conduct. (That charge was later dismissed.)

PO Grayson testified before the CCRB that he did not recall if he told the complainant, "I'm not giving you shit" or "I'm not giving you a goddamn thing" when the complainant asked for his information. PO Grayson did not know if he ever asked the complainant, "why the fuck are you yelling at me?" He did not recall any other officer doing so, or using any profanity. PO Grayson did not search the complainant's person other than when he was in the back of the police vehicle. PO Grayson frisked and searched the complainant because he considered the complainant to be under arrest for obstructing governmental administration. However, PO Grayson decided to write the complainant a summons for disorderly conduct after finding the complainant's ID.

The complainant's passenger recorded two portions of video during the incident. In the second portion, the passenger is recording from the passenger seat of the complainant's vehicle, and voices can be heard out of frame. The recording starts while PO Grayson's voice is in the middle of a sentence, saying "... your information, I'm not giving you shit." The complainant responds, "no, no, you stopped me, you asked me to give you a reason." PO Grayson says, "I'm not giving you a g--damn thing." At 00:10, another officer tries to explain the reason for the stop, and the complainant interrupts him by saying, "I'm not a criminal!" PO Grayson responds, "So why the fuck are you yelling at me? Get back in the car!" In the background, PO Grayson tells the complainant, "you can leave." The passenger calls for an officer to come to him, and the other officer begins to explain that temporary license plates are issued differently in New Hampshire. The passenger calls to the complainant and exits the car to walk towards where the complainant and the officers are arguing. As the passenger moves around the car, PO Grayson tells the complainant, "I'm asking you to leave

right now. If you don't leave right now, you're coming back with us." At 00:51, the complainant asks for PO Grayson's information, and PO Grayson says, "I already told him he can go." The complainant requests PO Grayson's information again. PO Grayson responds by saying, "but you still refused to give your ID." The complainant tells the officers he has not committed any crime. PO Grayson places the complainant in handcuffs, and the complainant complies with him. PO Grayson walks the complainant to the police vehicle and tells him that his information will be at the bottom of the summons.

When presented with the video recording, PO Grayson could not identify the officer using profanity and refusing to provide his information in the first ten seconds of the video. PO Grayson could hear the complainant yelling, and could hear someone in the video say the word "shit."

PO Grayson's memo book stated that the complainant argued and engaged in "violent and tumultuous" behavior in the roadway. For the safety of the complainant and other officers, PO Grayson handcuffed the complainant, and then issued him a summons for disorderly conduct. The summons prepared by PO Grayson states that the complainant "engage[d] in tumultuous behavior in [a] public area, causing alarm to by passers [sic] in the middle of an active roadway." The summons has two subsections marked, although PO Grayson clarified in his interview that he observed the complainant violate section 1 only, which reads: "engage in fighting or in violent, tumultuous, or threatening behavior to wit."

The CCRB investigation concluded as follows: Although PO Grayson did tell the complainant that his information would be written on the bottom of the summons he issued, this remark came after the complainant repeatedly explained his plate was valid and asked for PO Grayson's information, and was told "I'm not giving you shit" and "I'm not giving you a g--damn thing" by PO Grayson. Furthermore, PO Grayson did not provide this information via a summons until the complainant had been handcuffed, their argument had ended, and the complainant had been told he could leave the scene of the incident without first receiving the information he requested.

The CCRB investigation further concluded: As recorded by the passenger, PO Grayson told the complainant "I'm not giving you shit" and "I'm not giving you a g--damn thing" when the complainant demanded his information. Furthermore, PO Grayson can be heard asking the complainant, "why the fuck are you yelling at me?" shortly afterwards. PO Grayson was off-screen when he asked this question, but the voice saying the allegations is consistent with PO Grayson's voice in the first video of the incident, and the other officer stated that when the officers and the complainant stepped towards the rear of the complainant's car, he stepped back, because from then on it was PO Grayson who had taken control. PO Grayson's words were discourteous, were not issued within the context of a lawful command, and served no law enforcement purpose.

The CCRB investigation further concluded: The complainant stated that PO Grayson told him that if he did not provide his ID, he would be arrested. The passenger stated that the officers would not give the complainant their information because the complainant had not provided his. PO Grayson stated that he threatened to arrest the complainant for obstructing governmental administration, and that it makes him suspicious when an individual does not provide their information for a minor issue. The complainant was expressing that he felt aggrieved by the actions of the police, and was not intentionally obstructing the officers from performing their official functions.

The CCRB investigation further concluded: It is undisputed that the officers mistakenly stopped the complainant. Once the complainant had demonstrated the legality of his temporary license plate, and the officers understood their mistake, the stop should have been over. Furthermore, the passenger's second video clearly demonstrates that PO Grayson stated that the complainant could leave the scene two times, at 00:18 and 00:53. The complainant was not the suspect of any crime once the issue of the stop had been resolved.

The CCRB investigation further concluded: The entirety of the complainant's interactions with police during the 20-minute-long incident were expressed directly at the officers, and nobody else present. While the complainant's statements that the officers racially profiled him and his demands for PO Grayson's information were loud, and the incident occurred in the early hours of the morning near the sidewalk and residential apartment buildings, no parties interviewed regarding this incident could express any evidence of public alarm or inconvenience other than a small and unspecified number of pedestrians who stayed to watch the incident and possibly record it with their cell phones from the sidewalk, around 10 feet away. The Criminal Court of the City of New York dismissed the disorderly conduct summons. At no time during the incident did the complainant's actions constitute disorderly conduct.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: October 15, 2020